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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,121	11/05/1999	HIDEMI SASAKI	Q56632	3518

7590 12/04/2002

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EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 09/434,121	Applicant(s) Sasaki et al
Examiner Mark Wallerson	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Sep 19, 2002
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- 4) Claim(s) 1, 2, 4-11, and 13-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 2, 4-11, and 13-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) Other: _____

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **9/19/2002**.
2. This application has been reconsidered. Claims 1, 2, 4-11, and 13-17 are pending.

Claim Rejections - 35 USC § 102

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, 15, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita et al (Yamashita) (U. S. 5,642,147).

With respect to claims 1, 2, 10, and 11 Yamashita discloses a printer (figure 1) in which a plurality of recording medium are usable (the abstract, lines 1-2), comprising means for automatically inputting information representing a type of recording material (column 3, lines 41-57), wherein each of the types of the recording material has at least a printing region having a shape different than a printing region of other types of the recording material (column 3, lines 40-57), and a controller (16 or 18) for designating a printing mode in accordance with the type information (column 3, lines 40-57) and for printing an image to a recording material in accordance with the mode (column 3, lines 40-57), and processing the image for laying out the

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image in the printing region in accordance with the mode (column 5, lines 34-45 and column 8, lines 20-28).

With regard to claims 4, 5, and 13, Yamashita discloses a printer body (column 3, line 41), a loading slot in the printer body (column 5, lines 5-12); a sheet supply container for containing the recording material (column 1, lines 49-54); means for outputting type information (column 2, lines 10-17).

With regard to claims 7 and 15, Yamashita discloses generating an alarm when the type information is not met (column 5, lines 5-25).

With respect to claims 8 and 16, Yamashita discloses a display device (column 5, lines 17-25).

With regard to claims 9 and 17, Yamashita discloses the material is a standard type (ordinary paper) and a sticker type (label) (column 3, lines 41-49).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Lindstrom et al (U. S. 6,079,807).

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Yamashita differs from claims 6 and 14 in that he does not clearly disclose the information recording material is a ROM. Lindstrom a printer system for printing on different types of recording medium comprising a ROM for storing type data (column 3, lines 54-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yamashita to make the information recording material a ROM. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yamashita by the teaching of Lindstrom in order to improve processing.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, 4-11, and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. All claims are rejected.

8. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE

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OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)


MARK WALLERSON
PRIMARY EXAMINER

Mark Wallerson